

REMARKS

Claim Rejections Under the Prior Art

The applicant would like to thank the Examiner for the courtesy of the telephone interview on Friday, October 17, 2003.

As proposed, each of the independent claims 1, 11 and 17 in the above noted application has been amended to clarify the invention reciting the claimed shuttles as supporting a foot of a user standing in a generally forward facing position thereon. The applicant understands from his telephone discussion with the Examiner that the foregoing amendment is such as to clarify and distinguish the independent claims from the teachings of U.S. Patent No. 4,340,214 to Schutzer.

In particular, it is believed that with the amendments to the claimed invention, the remaining features recited in the independent claims including the guide rail or guide assemblies as extending from raised proximal upper ends or end portions downwardly and rearwardly to a lower distal end portion or end, are such as to distinguish over United States Patent No. 4,340,214 to Schutzer. As overviewed with the Examiner, Schutzer in fact is believed to teach away from the claimed invention as it discloses a training apparatus which incorporates a pair of rectangular frames 11 which extend horizontally in a lateral direction. For example, the Examiner is referred to column 2, lines 41 to 45 and column 2, lines 54 to 56 of Schutzer which recites:

"The two frames 11 and 12 are horizontal so that the carriage 19 is displaced solely in horizontal direction."

Furthermore, frames 13 and 14 in Schutzer are provided in an orientation which extend upwardly from proximal lower ends to an uppermost outwardmost end.

Accordingly, it is believed that the aforementioned claim amendments are such as to clarify the claimed invention as distinguishing over Schutzer, so as to traverse the Examiner's rejection to each of claims 1, 2, 5, 11 to 14, 17 to 19. Furthermore, it is believed that the amendments to the independent claims are such as to overcome the Examiner's objection to claim 6 as unpatentable over Schutzer further in view of United States Patent No. 5,503,609 to Bull.

If for any reason the Examiner is of the view that this application is not now in condition for allowance, the Examiner is requested to telephone the undersigned at 1-416-961-5000 so that an interview may be arranged to expedite allowance of this case.

Respectfully submitted,

NIZAMUDDIN, Nash

By:

Gary M. Travis
Reg. No. 43,551

GMT/lms
Encl.
Ret. Ack. Card